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Deputy Director, Foreign Broadcast
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1013 Key Building

[redacted]
19 November 1981

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Associate Deputy Director
for Science and
Technology
Room 6E45, Headquarters

Jim:

Attached is what we understand to be the laws relating to foreign national wages.

Note that the Secretary of State is asked to "improve coordination" with respect to "joint wage surveys" and "compatible wage schedules." He is asked to monitor wage rates "more closely."

FBIS has no objection to State-conducted compensation surveys which determine the prevailing levels of pay in private sectors in the respective foreign countries. What we have difficulty with is State Department requirements relating to position standards, the structure of our bureaus, and our ability or inability to attract third country nationals for service in other foreign countries.

You will note that this law is said to "require agencies wishing to use authority of the Foreign Service Act to do so in a uniform way." However, FBIS operates under authority of the DCI, not the Foreign Service Act; our foreign nationals are appointive under his authority.

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any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

"(b) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the Department of State, there are authorized to be appropriated for the Department such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

"(c) Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

"(d) Amounts authorized to be appropriated for the Department of State for a fiscal year for the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year."

(b) The amendment made by subsection (a) shall take effect on October 1, 1979.

EFFECTIVE DATE FOR CERTAIN PROMOTIONS OF FOREIGN SERVICE OFFICERS

SEC. 106. The promotion for each of 64 Foreign Service officers of classes 8 and 7 to the next higher class, as the case may be, for which the Senate gave its advice and consent on March 21, 1979, and which was attested to on March 22, 1979, shall be considered for all purposes to take effect on December 17, 1978. Any payments made in implementation of this section shall be from funds previously authorized and appropriated for the fiscal year 1979.

IMPROVEMENT IN FOREIGN NATIONAL PAY PLANS

SEC. 107. (a) It is the sense of the Congress that the Secretary of State should—

(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

(A) joint wage surveys and compatible pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

(B) include the cost of severance in making pay adjustments, and

(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

(3) substitute, whenever possible, prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States.

(b) Section 444(b) of the Foreign Service Act of 1946 (22 U.S.C. 889) is amended by inserting before the period at the end thereof the following: "and such regulations as the Secretary may prescribe".

UNITED STATES CONSULATES

Sec. 108. (a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act, shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.

NONIMMIGRANT VISAS

Sec. 109. Section 21 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2691), is amended—

(1) by inserting "(a)" immediately after "Sec. 21."; and

(2) by adding at the end thereof the following:

"(b) This section does not apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

"(c) This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization.

"(d) The Secretary of State may refuse to recommend a waiver for aliens from signatory countries which are not in substantial compliance with the provisions of the Helsinki Final Act, particularly the human rights and humanitarian affairs provisions."

UNITED NATIONS TECHNICAL ASSISTANCE PROGRAMS

Sec. 110. Title I of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979 (Public Law 95-431; 92 Stat. 1021), is amended in the paragraph under the heading "Contributions to International Organizations" by striking out", of which no part may be made available for the furnishing of technical assistance by the United Nations or any of its specialized agencies".

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

Sec. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1980 and 1981".

P.L. 96-60

**AUTHORIZING APPROPRIATIONS FOR FISCAL YEARS 1980 AND 1981
FOR THE DEPARTMENT OF STATE, THE INTERNATIONAL COMMU-
NICATION AGENCY, AND THE BOARD FOR INTERNATIONAL BROAD-
CASTING**

JULY 31, 1979.—Ordered to be printed

**Mr. FASCELL, from the committee of conference,
submitted the following**

CONFERENCE REPORT

[To accompany H.R. 3363]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363) to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1980 and 1981".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts, subject to the limitation in subsection (b):

(1) For "Administration of Foreign Affairs", \$849,423,000 for the fiscal year 1980 and \$1,009,815,000 for the fiscal year 1981.

ment and the Foreign Service have substantially declined over the last 10 years.

This situation of increasing demand in certain areas and a declining personnel base has forced cumulatively more drastic reprogramming of resources, the impact of which is only now becoming apparent.

What has happened is that the Department has had no choice other than to transfer personnel resources from the key functions of substantive reporting and analysis to support these other requirements. For example, over the past 10 years the number of political officer positions has declined 18 percent and the number of economic/commercial positions has remained constant, while the number of Consular positions has increased by 35 percent, the number of Administrative positions has increased 30 percent (mostly because of a transfer of positions from the reimbursed to direct categories) and the number of specialist/professional positions (scientists, lawyers, etc.) has risen by 13 percent.

The reductions in the political speciality are especially deep and have had the additional unfortunate effect of limiting the training and development opportunities of junior political officers.

In view of the Committee, this reprogramming has gone too far and now threatens the central function of the Department and the Foreign Service—high quality substantive reporting and analysis.

The Committee believes that corrective steps are required and will be expecting the study required by this section to make recommendations for changes in the numbers or allocation of positions considered necessary to enable the Department of State to adequately discharge all of its functions and responsibilities.

Section 112. Improvement in Foreign National Pay Plans

Federal agencies overseas employ approximately 178,000 foreign citizens at a cost of about \$1.5 billion annually.

Current law provides that compensation for foreign national employees will be based on locally prevailing wage rates that are consistent with the public interest. In adopting foreign national labor provisions, Congress expected U.S. agencies in a particular locale to establish uniform wage rates and employment practices.

A recent General Accounting Office report issued April 5, 1979 entitled, "State Department Should Improve Foreign National Pay Setting," indicated that "State Department posts overseas are paying more than they should to their foreign national employees. When setting pay and benefits, the posts need to pay more attention to rates paid by the Department of Defense for similar jobs and more closely follow State Department instructions. Posts should also stop enrolling employees in the U.S. civil service retirement system and instead adopt local retirement and severance practices."

2. This section, proposed by Senator Stone, would permit the Secretary of State to require agencies wishing to use authority of the Foreign Service Act to do so in a uniform way. For the most part, authority of chiefs of mission under existing law is adequate to achieve desired uniformity. However, a chief of mission cannot, for example, compel an agency to change its position classification standards for foreign national employees. This amendment would provide this type of authority to the Secretary of State.

(over)

96TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 96-116

FOREIGN RELATIONS AUTHORIZATION ACT,
FISCAL YEARS 1980 AND 1981

REPORT

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ON

S. 586 - *H.R. 3363*

TO AUTHORIZE APPROPRIATIONS FOR THE DEPARTMENT OF
STATE, THE INTERNATIONAL COMMUNICATION AGENCY, AND
THE BOARD FOR INTERNATIONAL BROADCASTING FOR
FISCAL YEARS 1980 AND 1981, AND A SUPPLEMENTAL AUTHOR-
IZATION FOR STATE FOR FISCAL YEAR 1979



MAY 3 (legislative day, APRIL 9), 1979.—Ordered to be printed

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